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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Volkin et al.

Serial No.: 10/697,233 Case No.: 19698YCC

Art Unit: 1614

Confirmation No. 9156

Filed: October 30, 2003

Examiner:

For: DNA VACCINE FORMULATIONS

Vogel, Nancy S.

Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

RESPONSE TO RESTRICTION, 35 U.S.C. 121;
PRELIMINARY AMENDMENT, 37 C.F.R. 1.111

BY:


J. Mark Hand

REGISTRATION NO.: 36,545

DATE:

24 September 2004

Sir:

In response to the Office Action mailed 25 August 2004, please enter the following election in Response to Restriction and the Preliminary Amendment. No Petition to Extend Time under 37 C.F.R. § 1.136(a) has been calculated to be due. However, if any such extension is determined to be due, please treat this paper as a request under 37 C.F.R. § 1.136(a) to extend the time for responding as required, and charge Deposit Account No. 13-2755 the appropriate fee as a large entity. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

Response to Restriction Requirement begins on page 3 of this paper.

Amendments to the Specification begin on page 4 of this paper.

Amendment/Listing of the Claims begin on page 6 of this paper.

Amendments to the Drawings – None

Remarks begin on page 11 of this paper.

Response to Restriction, 35 U.S.C. §121

The Examiner has set forth the following restriction requirement under 35 USC §121:

- I) Claims 1-9, 14-16, 20 and 21, drawn to a method of stabilizing highly purified DNA, classified in class 435, subclass 243.
- II) Claims 10-13, 17-19, 22-43, drawn to a stabilized DNA formulation, classified in class 424, subclass 204.1.

Applicants elect Group II, Claims 10-13, 17-19, 22-43 (stabilized DNA formulations), classified in class 424, subclass 204.1, with traverse. As entered herein, Applicants respectfully cancel claims 1-43 and add new claims 44-68, which more particularly point out and distinctly claim stabilized DNA formulations disclosed within this specification.



PATENT
CASE NO. 19698YCC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: VOLKIN, D. ET AL.
Serial No. 10/697,233
Filed October 30, 2003
Group Art Unit 1614
Examiner Nancy S. Vogel
For: DNA VACCINE FORMULATIONS

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>25</u>	-	** <u>43</u> =	<u>0</u> X	\$18	= <u>0.00</u>
Independent Claims	* <u>5</u>	-	*** <u>6</u> =	<u>0</u> X	\$86	= <u>0.00</u>
Multiple Dependent Claims					\$290 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						0.00

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.
**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By J. Mark Hand Date 24 Sept. 2004
Reg. No. 36,545

Respectfully,

J. Mark Hand

By: J. Mark Hand

Attorney for Applicant(s)

Reg. No. 36,545

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Patent Dept., RY60-30
P.O. Box 2000
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(732) 594-3905

Date: September 24, 2004

IN DUPLICATE